

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 25, 2009
POSITION: Neutral, note concerns

BILL NUMBER: SB 678
AUTHOR: M. Leno

BILL SUMMARY: Community Corrections Performance Incentive Act of 2009

This bill, an urgency measure, would establish a system of performance-based funding to support evidence-based practices relating to the supervision of adult felony probationers, as specified. The measure would also authorize each county to establish a Community Corrections Performance Incentive Fund (CCPIF) and would require specified local officials to serve as part of a Community Corrections Partnership.

FISCAL SUMMARY

By requiring local officials to serve as part of the Community Corrections partnership, this measure could create a state reimbursable mandate the cost of which cannot be determined at this time.

According to the Administrative Office of the Courts (AOC), this measure would result in additional costs totaling \$502,000 to develop outcome based measures to evaluate programs, consult with the Department of Finance (DOF) on the required calculations, perform specified accounting and transfer responsibilities relating to each participating county, and to report to the Governor and Legislature on the implementation of the program. This measure authorizes the AOC to use up to three percent of funds annually appropriated by the Legislature to support this program to cover the costs to administer its responsibilities under this program. We note that the 2009 Budget Act includes Federal Funds for use by the AOC to implement the provisions of this measure.

The DOF's workload related to consulting with the AOC and computing the specified calculations within this measure would be minor and absorbable within existing resources. However, it is unclear at this time whether the data necessary for the DOF to make the calculations required by this measure is available and/or reliable.

We note that if half of the 20,000 felony probationers currently admitted into state institutions annually were instead to remain in local communities, the savings from avoided incarceration and parole supervision costs would total approximately \$254.6 million General Fund. In addition, county community corrections programs could receive about \$127.3 million in funding annually.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the April 16, 2009 version are minor and do not alter our position.

COMMENTS

The Department of Finance is neutral on this measure. However, we do note a concern that it is unclear at this time whether there is consistent and reliable felony probation data available for each county to make the necessary calculations. To the extent that there is unreliable or unavailable information, it would be impossible to calculate the savings associated with avoided incarcerations in state institutions and then determine the portion of that savings to direct to county probation departments.

Analyst/Principal (0234) K. Gmeinder	Date	Program Budget Manager Todd Jerue	Date
---	------	--------------------------------------	------

Department Deputy Director	Date
----------------------------	------

Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
----------------------	-----------------------------

M. Leno

June 25, 2009

SB 678

COMMENTS (continued)

This bill would:

- Authorize each county to establish its own county treasury a CCPIF.
- Require the AOC, in consultation with the Chief Probation Officers of California (CPOC), to specify and define minimum required outcome-based measures.
- Require each probation department receiving funding to provide an annual written report to the AOC and the California Department of Corrections and Rehabilitation (CDCR) evaluating the effectiveness of the programs.
- Require the AOC in consultation with the Chief Probation Officer of each county to provide quarterly specified statistical information to the DOF.
- Require the AOC, 18 months following the initial receipt of funding pursuant to this act and annually thereafter, in consultation with the CDCR, the DOF, and the Chief Probation Officers of California, to submit to the Governor and the Legislature a comprehensive report on the implementation of this act, as specified.
- Require the DOF, in consultation with the CDCR, the Joint Legislative Budget Committee (JLBC), and the AOC, to calculate a baseline felony probation revocation rate for each county, as specified.
- Require the DOF, in consultation with the CDCR, the JLBC, and the AOC, to calculate the cost to incarcerate in prison and supervise on parole a probationer sent to prison, the state-wide probation failure rate, the probation failure rate for each county, and the number of adult felony probationers each county successfully prevent from being sent to prison.
- Require the DOF in consultation with the CDCR, the JLBC, the CPOC, and the AOC to calculate a probation failure reduction incentive payment for each eligible county, as specified.
- State that the money appropriated by the Legislature shall be used to supplement, not supplant, any other state or county appropriation for the chief probation officer of the probation department.
- Specify that up to 3 percent of moneys appropriated to the AOC shall be used for the costs of administering this program.
- Sunset this program on January 1, 2015, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

The CDCR indicates that in 2007, nearly 270,000 felony offenders were subject to probation supervision in California communities. During the same period, there were 46,987 new admissions to state prison, with nearly 20,000 of those admissions due to probation revocations.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	
0250/Jud Branch	SO	No	B	\$502		--		--	0890
0250/Jud Branch	SO	No		--	C	\$502	C	\$502	0494
0250/Jud Branch	LA	No		-----	See Fiscal Summary	-----			0494
5225/Corr & Rehab	SO	No		-----	See Fiscal Summary	-----			0001
8860/Finance	SO	No		-----	No/Minor Fiscal Impact	-----			0001
8885/Comm St Mndt	SO	No		-----	See Fiscal Summary	-----			0001

<u>Fund Code</u>	<u>Title</u>
0001	General Fund
0494	Other - Unallocated Special Funds
0890	Trust Fund, Federal